IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.981 OF 2006

Shri.Babu Krushna Kharat, deceased
through legal heirs.
Shri.Dnyandeo Babu Kharat & ors. ...Appellants.

vs.

The State of Maharashtra & ors. ...Respondents.

Mr.S.M.Oak, for Appellants.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

1. Heard the learned Counsel appearing for appellants. It is clear that the suit filed by the plaintiffs-appellants was not maintainable firstly because it was barred by limitation and

secondly because it was barred by the provisions of Order 9 Rule 9 of C.P.C because the previous instituted suit on the same cause of action was dismissed for default, and without getting that suit restored the present suit was filed. There is no question of any substantial question of law arising in the appeal. The appeal is rejected.

(D.K.DESHMUKH, J.)